

REMARKS

Claims 1, 4, 9-10, and 29-30 are pending in the application. Claims 1, 4, 9-10, and 29 have been amended. Claim 30 has been canceled. Support for the claim amendments can be found throughout the specification and in the claims as originally filed. No new matter has been added. Accordingly, claims 1, 4, 9-10 and 29 are now pending in the application.

Amendment of the originally filed claims or cancellation of any claims should in no way be construed as an acquiescence, narrowing, or surrender of any subject matter. The amendments are being made not only to point out with particularity and to claim the present invention, but also to expedite prosecution of the present application. Applicants reserve the option to prosecute the originally filed claims further, or similar ones, in the instant or subsequently filed patent applications.

IDS

Applicants note that the dates cited for references B7-B10 on Form 1449 correspond to the date the journal articles disclosing the sequences was published.

Rejections under 35 U.S.C. §112, first paragraph

Claims 1, 4, 9-10, and 29-30 stand rejected under 35 U.S.C. §112, first paragraph, for lack of enablement. In support of this rejection, the Examiner states:

Applicant is invited to consider amending the claims to limit the scope e.g, to specific cell types. Alternatively, Applicant is invited to consider amending the claims to recite “a method for upmodulating an immune response comprising administering an agent that downmodulates signaling...”, provided that the specification as filed provides adequate support under 35 U.S.C. 112, first paragraph, for such recitation. (See Office Action, page 4, 2nd paragraph.)

Applicants have adopted the Examiner’s suggestion to amend claim 1 to recite “a method for upmodulating an immune response comprising administering an agent that downmodulates signaling” Support for this amendment may be found at least, e.g., on page 73, lines 26-27 of the specification, which states:

These modulatory agents can be administered in vitro (e.g., by contacting the cell with the agent) or, alternatively, in vivo (e.g., by administering the agent to a subject).

Applicants believe the amendment obviates the rejection. Thus, reconsideration and withdrawal of the rejection is respectfully requested.

Claim 30 has been canceled, thereby obviating the rejection of this claim. Claims 4, 9-10, and 29 all depend from claim 1. Because claims 4, 9-10, and 29-30 further define claim 1, the amendment to claim 1 obviates the rejection of these claims.

Claim 4 has been amended to more particularly define the invention. Claim 4 as amended recites that the immune response is upmodulated in a cell selected from the group consisting of: a T cell, a B cell, and a myeloid cell. Support for this amendment may be found at least, *e.g.*, on page 9, lines 8-17, and on page 11, lines 26-29.

Claims 9 and 10 have been amended to provide proper antecedent basis for the term “administering,” as recited in amended claim 1. Support for these amendments can be found at least, *e.g.*, on page 73, lines 26-27 of the specification, as recited above.

Claims 29 and 30 further stand rejected under 35 U.S.C. §112, first paragraph, as indefinite. More specifically, the Examiner states:

Claims 29 and 30 are indefinite in the recitation of “wherein the immune cells is...a keratinocyte,” because the recitation of “keratinocyte” lacks antecedent basis in the base recitation of an “immune cell,” since keratinocytes are not considered in the art to be immune cells.


Claim 30 has been canceled, thereby obviating the rejection of this claim. Applicants have amended claim 29 to recite that the step of administering comprises contacting an antigen presenting cell selected from the group consisting of a monocyte, a dendritic cell, a keratinocyte and a B cell. Support for this amendment may be found at least, *e.g.*, on page 12, lines 2-5. Applicants believe the amendment obviates the rejection of this claim. Thus, reconsideration and withdrawal of the rejection is respectfully requested.

CONCLUSION

Early and favorable reconsideration of the application is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at (617) 832-1738. If any fees are due, the Commissioner is hereby authorized to credit any overpayment or charge any deficiencies to **Deposit Account No. 06-1448, WYS-029.02.**

Respectfully submitted,
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